

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CYNTHIA G. EBERLY, Individually, and	:	
as Executrix of the Estate of Bryan L.	:	
Eberly, Deceased,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 20-6308
	:	
v.	:	
	:	
LM GENERAL INSURANCE COMPANY	:	
and LIBERTY MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 21st day of September, 2021, after considering the motion for summary judgment filed by the defendants, LM General Insurance Company and Liberty Mutual Insurance Company (Doc. No. 10), the cross-motion for partial summary judgment filed by the plaintiffs, Cynthia G. Eberly, individually, and as Executrix of the Estate of Bryan L. Eberly, Deceased (Doc. No. 11), the defendants' response in opposition to the plaintiffs' cross-motion for partial summary judgment (Doc. No. 12), the plaintiffs' response in opposition to the defendants' motion for summary judgment (Doc. No. 13), the parties' joint stipulation of facts (Doc. No. 9), and the parties' arguments made during oral argument before the undersigned on May 20, 2021; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The defendants' motion for summary judgment (Doc. No. 10) is **GRANTED**;
2. The plaintiffs' cross-motion for partial summary judgment (Doc. No. 11) is **DENIED**;

3. Summary judgment is **ENTERED** in favor of the defendants, LM General Insurance Company and Liberty Mutual Insurance Company, and against the plaintiffs, Cynthia G. Eberly, individually, and as Executrix of the Estate of Bryan L. Eberly, Deceased, on all counts in the complaint; and

4. The clerk of court shall **MARK** this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.